

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Blaine R. Spady; John D. Heaton
 Assignee: Nanometrics Incorporated
 Title: Metrology/Inspection Positioning System
 Serial No.: 09/458,123 Filing Date: December 8, 1999
 Examiner: Philip Sana Natividad Group Art Unit: 2877
 Docket No.: NAN035 US Confirmation No.: 8470

Santa Clara, California
January 13, 2003

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COMMISSIONER FOR PATENTS
Washington, D. C. 20231

TECHNOLOGY CENTER 2800

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In Response to the Office Action dated December 16, 2002, Applicants elect without traverse to have the invention of Group I, Claims 1-9, examined. Please withdraw from consideration Claims 10-14, which are drawn to the invention of Group II. Applicants reserve the right to seek examination of the invention of Group II in a divisional application.

It is believed that no fees are due. Nevertheless, if the Patent Office determines that an extension and/or other relief is required, Patent Owner petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing of this document to Deposit Account No. 50-2263 referencing NAN035 US.

Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 982-8200, ext. 2.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office in the fax number 703-872-9318 on January 13, 2003.

Michael J. Halbert 1-13-03
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Date of Signature

Respectfully submitted,

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